

ORIGINAL

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1157**

T06-0023

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), the Philo Township ("Township"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through application for assistance from the Grade Crossing Protection Fund that inquiry should be made into the matter of improving public safety at the 800N highway-rail grade crossing of the Company's track near Tolono, in Philo Township, Champaign County, Illinois, designated as crossing AAR/DOT #479 923Y, railroad milepost 335.24-WA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder and a remote monitoring system.

DOCKETED

- (b) Installation of temporary STOP signs (if required) at the 800N crossing within 30 days of a Commission Order for the installation of new automatic warning devices.
- (c) Reconstruction of the existing highway approaches, in order to comply with the minimum requirements of 92 Ill. Adm. Code Part 1535.204, and as depicted on the proposed plan in Exhibit C.

Section 3 The Township has prepared a preliminary cost estimate to accomplish the proposed roadway approach improvements, which may be required by Commission Order. The drawings, specifications, and cost estimate are attached and incorporated herein by reference as Exhibit C.

The Company has provided a preliminary cost estimate of \$170, 000 for the installation of automatic flashing light signals and gates at the subject location. The Company shall upon a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, cost estimates and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

Section 4 The Company and the Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$170,000	(95%) \$161,500 ¹	(0%) \$0	(5%) Remainder ²	(0%) \$0
Modify Existing Highway Approaches	\$12,000	\$0	100% ⁴ \$12,000	\$0	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³	\$0
TOTALS	\$182,000	\$161,500¹	\$12,000⁴	Remainder²	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$161,500; any installation costs above the estimated amount of \$170,000 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP

⁴ Township responsible for all future maintenance costs associated with the highway approaches.

Section 6 Philo Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution incorporated herein by reference as Exhibit D. The Township shall submit a certified copy of the Resolution at the same time as the Execution Page of this Agreement is submitted to the Commission.

Section 7 Special Provisions: Since the approach grade reconstruction at the subject crossing will be performed by the Township, flagging and contractor liability insurance will be required for said work.

The Company and the Township shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E-1 and E-2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company and Township shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit E-1 and E-2, regarding the progress each has made toward completion of the work required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and Township Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all

invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from the Company shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company and the Township shall provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad or highway account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad or highway account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad or highway account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad or highway account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

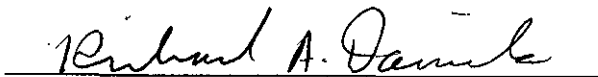
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 8th day of March 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:




Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1157**, executed by Commission Staff on March 8, 2006, concerning improvements at the 800N highway-rail grade crossing of the Company's track near Tolono, in Philo Township, Champaign County, Illinois, designated as crossing AAR/DOT 479 923Y, milepost 335.24-WA.

Executed by the Illinois Department of Transportation this 22nd day of March 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: 
Milton R. Sees, Director of Highways/Chief Engineer

Illinois Commerce Commission Stipulated Agreement No. **1157**, executed by Commission Staff on March 8, 2006, concerning improvements at the 800N highway-rail grade crossing of the Company's track near Tolono, in Philo Township, Champaign County, Illinois, designated as crossing AAR/DOT 479 923Y, milepost 335.24-WA.

Executed by the Norfolk Southern Railway Company this 28th day of March 2006.

NORFOLK SOUTHERN RAILWAY
COMPANY

By: HR Constock
General Manager

Attest:

Gynisha O. Swain
Assistant Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. **1157**, executed by Commission Staff on March 8, 2006, concerning improvements at the 800N highway-rail grade crossing of the Company's track near Tolono, in Philo Township, Champaign County, Illinois, designated as crossing AAR/DOT 479 923Y, milepost 335.24-WA.

Executed by Philo Township this 5th day of April 2006.

PHILO TOWNSHIP

By: Brian F. Mehany

Attest:

Richard E. Miller
Rd Dist Clerk

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 923Y, mp 335.24-WA
STREET, CITY, COUNTY	800N
JURISDICTION (RDWY)	Philo Twsp
LOCATION	Rural
STREET SURFACE	Oil and chip, 20 ft. on south, bridge 32 ft. on north side

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E	Epton rubber & asphalt	32	good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction See pg 3 (drawing)
TRAFFIC CONTROL	List any devices on the main or intersecting roadways- None
ADT & SPEED	More than 79 Per Day @ 55mph unposted
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	None (oil and chip)

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	47 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	650	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1440	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	ok	N/A	ok	
NW	ok	N/A	500	Bad angle for viewing train
SE	ok	N/A	500	Bad angle for viewing train
SW	ok	N/A	ok	

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

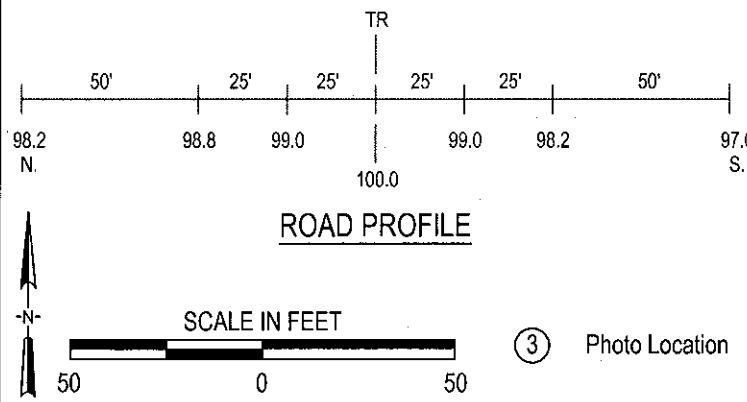
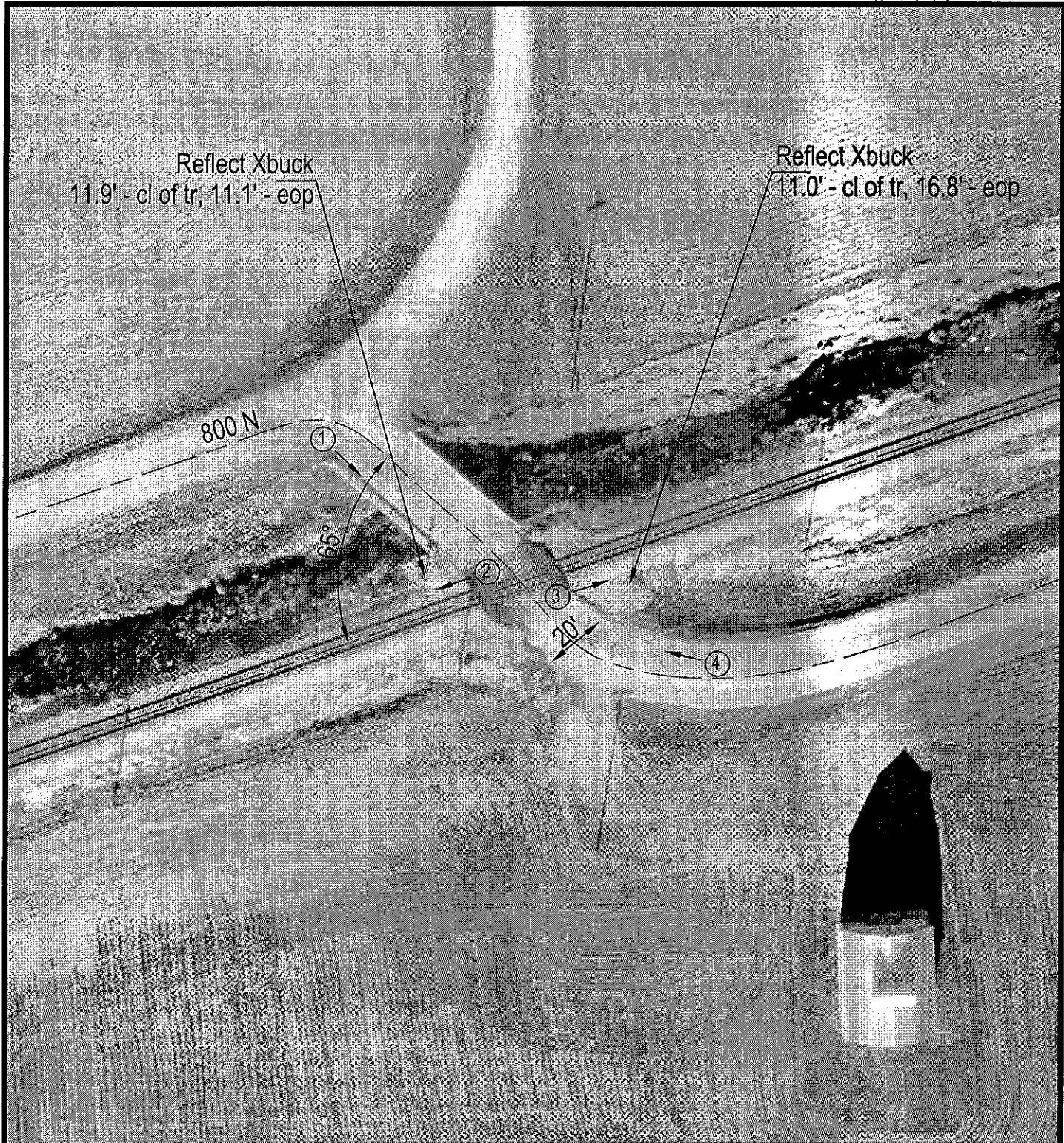
DIRECTION/NORTH			DIRECTION/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.0	4.0	25	99.0	4.0
50	98.8	0.8	50	98.2	3.2

Distance measured from outermost rail.

COMMENTS:

Norfolk Southern Railway's ball park estimate for new automatic warning devices is \$170,000; the Township's estimate for highway approach improvements is \$12,000. Township will pay for approaches and maintain same but will pay nothing for automatic flashing light signals and gates (afls&g). Grade Crossing Protection Funds (GCPF) will pay 95% for afls&g and NS will pay remaining and maintain same.

Page three will be the Location Sketch (Aerial Photo) of the crossing.



Crossing #: 479923Y
 Location: Champaign Co., City of Tolono (N)
 Lat/Long: 39°59'42" / 88°12'45"
 Railroad: NS
 Street: 800 N
 Railroad Milepost: 335.24
 Crossing Protection: Signs

(3) Photo Location



(Construction) Estimate of Cost

Location and brief description (Sta. and land description of beginning; Sta. only for end for county and road districts; street limits for municipality.)
Union Pacific Railroad crossing at Township Roads 162 and 253 in Philo Township (AAR/DOT #479 923Y)

Bridge or Culvert	
Length	
Width	

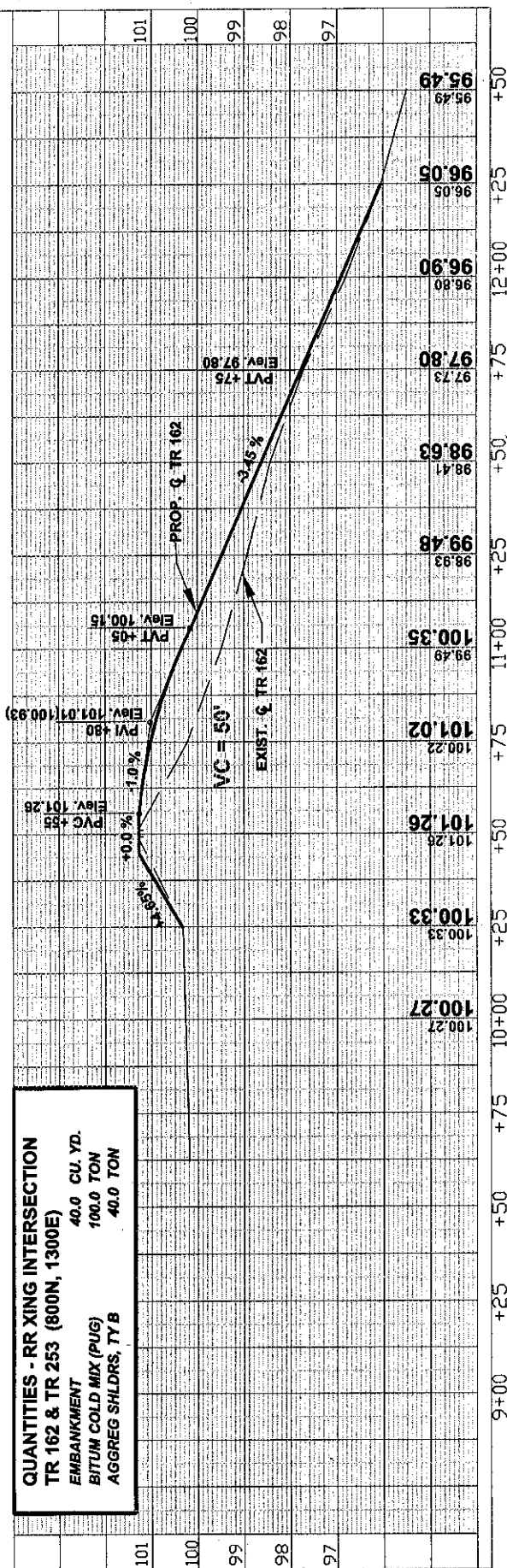
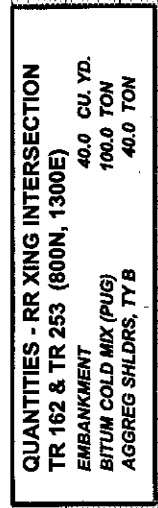
Item Number	Items	Unit	Quantity	Unit Price	Total Cost
	CARRIED FORWARD				
01	Embankment	CY	40.00	10.00	\$ 400.00
02	Bitum Cold Mix (Pug)	Tons	100.00	30.00	\$3,000.00
03	Aggregate Shoulders, Ty B	Tons	40.00	15.00	\$ 600.00
04	Railroad Protective Liability Insurance	L.Sum	1.00	6,000.00	\$6,000.00
05	Railroad Flagman	L. Sum	1.00	1,000.00	\$1,000.00
06	Traffic Control and Protection-BLR 21-6	L. Sum	1.00	1,000.00	\$1,000.00
<input type="checkbox"/> Page Total				<input checked="" type="checkbox"/> Total Estimated Cost	\$12,000.00

Date 03/06/2006

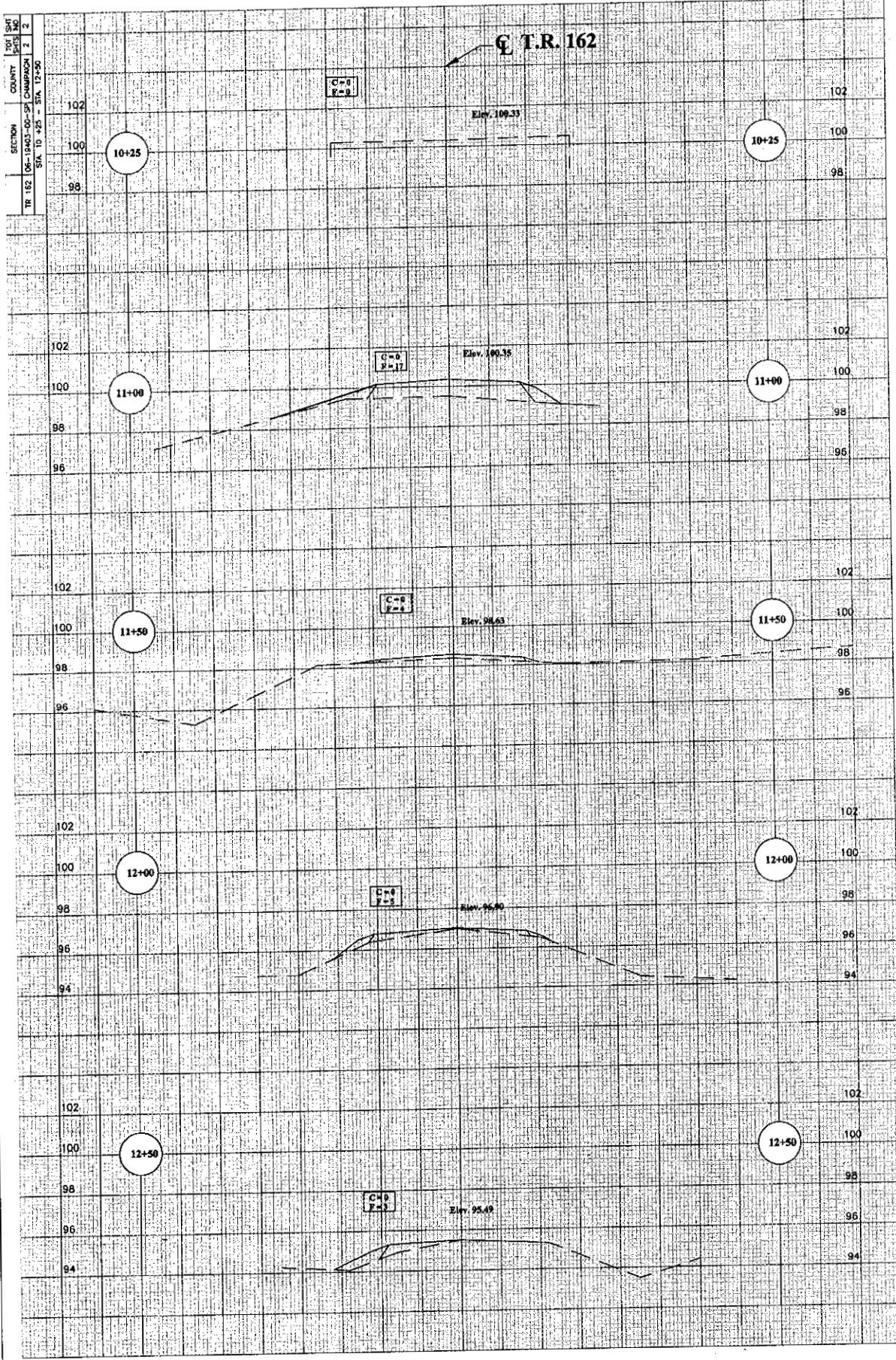
Date 03/06/2006

SECTION	COUNTY	TOT SHTS	SHT NO
106-19403-00-SP	CHAMPAGN	1	2

PHILO TOWNSHIP - TR 162 • TR 253



Exc 1, 23



Exc 1, 23

Exhibit D

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1157**

Date April 5, 2006

The Board of Philo Township, Champaign Co., IL.
(Board or Council of Philo Township, Champaign County, Illinois)

meeting on April 5, 2006, Resolved to authorize
(Date)

Brian McHarry, Road Commissioner to act as its designated agent in the
(Name, Office)

processing of this Stipulated Agreement and that the Township is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	AAR/DOT 479 923Y, milepost 335.24-WA
Street, (in/near) City, County:	800N near Tolono, Champaign County, Illinois
Railroad Company:	AAR/DOT 479 923Y, milepost 335.24-WA

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Bob Sharkey
Title:	Construction Engineer
Representing:	Norfolk Southern
Street Address:	99 Spring Street, Box 123
City, State, Zip:	Atlanta, Georgia 30303
Office Phone:	404-527-2887
Office Fax:	404-527-1174
Cellular Phone:	
E-Mail Address:	Robert.Sharkey@nscorp.com

²Project Manager information to be submitted by Philo Township and the Norfolk Southern Railway Company

DESCRIPTION OF IMPROVEMENTS to be ORDERED:

- Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.
- Installation of temporary STOP signs at the subject crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
- Reconstruction of the highway approaches.
-

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

The Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Dick Daniels, Railroad Safety Specialist
Phone: 217-785-8420
Email: rdaniels@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/hg/railroadsafety.aspx>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
------	--

PROJECT INFORMATION:

Reporting Party:	Philo Township, Champaign County, Illinois
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	AAR/DOT 479 923Y, milepost 335.24-WA
Street, (in/near) City, County:	800N near Tolono, Champaign County, Illinois
Railroad Company:	Norfolk Southern Railway Company

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Brian Meharry or John Cooper	
Title:	Meharry=Road Commissioner; Cooper=Asst. Champaign Co. Engr	
Representing:	Philo Township	
Street Address:	Meharry=P.O. Box 161; Cooper=1776 E. Washington	
City, State, Zip:	Meharry=Tolono, IL 61864; Cooper=Urbana, IL 61802	
Office Phone:	Meharry=217-684-2975; Cooper=217-384-3800	
Office Fax:	Cooper=217-328-5148	
Cellular Phone:		
E-Mail Address:	jcooper@co.champaign.il.us	

²Project Manager information to be submitted by Philo Twmsp and the Norfolk Southern Railway Co.

DESCRIPTION OF IMPROVEMENTS ORDERED:

- Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder.
- Installation of temporary STOP signs at the subject crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.
- Reconstruction of the highway approaches.

STATUS OF WORK: (use additional blank sheet, if necessary)

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<http://www.icc.state.il.us/hg/library.aspx?key=Railroad%20Safety>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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